

A U S T I N C I T Y C O U N C I L

AGENDA

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Thursday, August 10, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 71

Subject: C14-06-0092 - Austin Diagnostic Clinic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12201,12303 and 12301 Tomanet Trail; and 2312, 2316, 2400, 2402 &2404 Cedar Bend Drive (Walnut Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Austin Diagnostic Clinic Association (Robert Spurck). Agent: Clark, Thomas & Winters, P.C. (John M. Joseph). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material
(click to open)
 Staff Report

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0092**Z.A.P. DATE:** June 6, 2006
June 20, 2006
August 1, 2006**ADDRESS:** 12201, 12203 and 12301 Tomanet Trail; 2312, 2316, 2400, 2402, and 2404 Cedar Bend Drive**OWNER:** Austin Diagnostic Clinic Association
(Robert Spurck)**AGENT:** Clark, Thomas & Winters, P.C.
(John M. Joseph)**REZONING FROM:** LO-CO (Limited office – conditional overlay) district**TO:** GO-CO (General office – conditional overlay) district**AREA:** 1.73 Acres**SUMMARY ZONING AND PLATTING RECOMMENDATION:***August 1, 2006:***APPROVED GO-CO ZONING.****THE RECOMMENDED CONDITIONAL OVERLAY SHALL PROHIBIT THE FOLLOWING USES:**

- **NO VEHICULAR ACCESS TO TOMANET TRAIL**
- **LIMITED TO LO (LIMITED OFFICE) USES AND LO STANDARDS & SITE REGULATIONS**
- **MAXIMUM BUILDING HEIGHT OF 50-FEET**
- **REDUCTION OF NORTH SETBACK BUFFER TO 15 FEET**
- **REDUCTION OF EAST SETBACK BUFFER TO 12 FEET**
- **IMPLEMENTATION OF 80' BUILDING SETBACK FROM NORTH PROPERTY LINE**
- **IMPLEMENTATION OF A 3' TO 5' VEGETATIVE SCREEN ON PARKING AREA ABUTTING SF-3 TO BLOCK HEADLIGHTS ALONG EASTERN PROPERTY LINE**
- **IMPROVE EXISTING LANDSCAPE BUFFER TO INCLUDE EVERGREEN TREES**
- **NO WAIVER OF COMPATIBILITY STANDARDS**

*[K.JACKSON, C.HAMMOND 2ND] (8-1)***SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the rezoning from LO-CO to GO-CO (General office – conditional overlay). The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification and height are incompatible with existing residential uses to the north and east along Cedar Bend Drive and Tomanet Trail;
- 2.) The existing conditions and regulations as set forth by Ordinance No. 951130-E and Ordinance No. 961121-N address site development and land use issues; and
- 3.) A change in conditions to warrant a change of zoning has not been demonstrated.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 1.73 acre site fronting Cedar Bend Drive and Tomanet Trail zoned LO-CO. On November 30, 1995, the site was rezoned from SF-3 to LO-CO under Ordinance No. 951130-E (Please see Attachment A) and imposed the following restrictions:

- A landscape buffer 25 feet wide along:
 - (i) northern property line of Tract 1 and Tract 2, and
 - (ii) along the eastern property line of Tract 4;
- No vehicular access to Tomanet Trail. All vehicular access to the property shall be from adjacent public streets or other properties;
- NO (Neighborhood Office) site development standards; and
- A vehicle trip limitation of less than 700 per day

Furthermore, on November 21, 1996, the site was rezoned from LO-CO to LO-CO under Ordinance No. 961121-N (Please see Attachment B). The conditional overlay maintained the previous site development conditions and removed the vehicle trip limitation. The site is also subject to the provisions of the restrictive covenant under Document No. 12821-0028 (Please see Attachment C) which address the Traffic Impact Analysis (TIA) provisions.

The site is currently undeveloped land. The applicant proposes to rezone the property to GO-CO to allow for the development of the medical and administrative offices with a proposed structure of 60 feet. The applicant proposes to maintain all other conditions as set forth by No. 961121-N. This site is located within the North Lamar Study Area which recommends commercial development for this site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Undeveloped land
<i>North</i>	SF-2	Single-family residences
<i>South</i>	GR	Medical center
<i>East</i>	SF-3	Daycare
<i>West</i>	LR-CO	Undeveloped land

AREA STUDY: North Lamar

TIA: Waived (See Transportation comments)

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 55--Northwood Homeowners Assn.
- 64--River Oaks Lakes Estates Neighborhood
- 114--North Growth Corridor Alliance
- 480--Scofield Farms Residents Assn.
- 511--Austin Neighborhoods Council
- 742--Austin Independent School District

SCHOOLS:

- Austin Independent School District
 - Pillow Elementary School
 - Burnet Middle School
 - Anderson High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-94-0174	SF-3 to LO	03/21/95: APVD LO-CO W/CONDS (8-0)	06/01/95: APVD LO-CO (5-0-2, RR/EM-ABSTAIN); 1ST RDG. 11/30/95: APVD LO-CO (6-0); 2ND/3RD RDG
C14-96-0112	LO-CO to LO-CO	10/22/96: APVD STAFF ALT REC OF LO-CO; (9-0)	11/21/96: APVD LO-CO SUBJ TO CONDS (6-0); (ALL 3 READINGS)

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0113	GO-CO to GO-CO	10/22/96: APVD STAFF ALT REC OF GO-CO (9-0)	11/21/96: APVD GO-CO SUBJ TO CONDS (6-0); (ALL 3 READINGS)
C14-96-0114	LR-CO to LR-CO	10/22/96: APVD STAFF ALT REC OF LR-CO (9-0)	10/21/96: APVD LR-CO SUBJ TO CONDS (6-0); ALL 3 READINGS

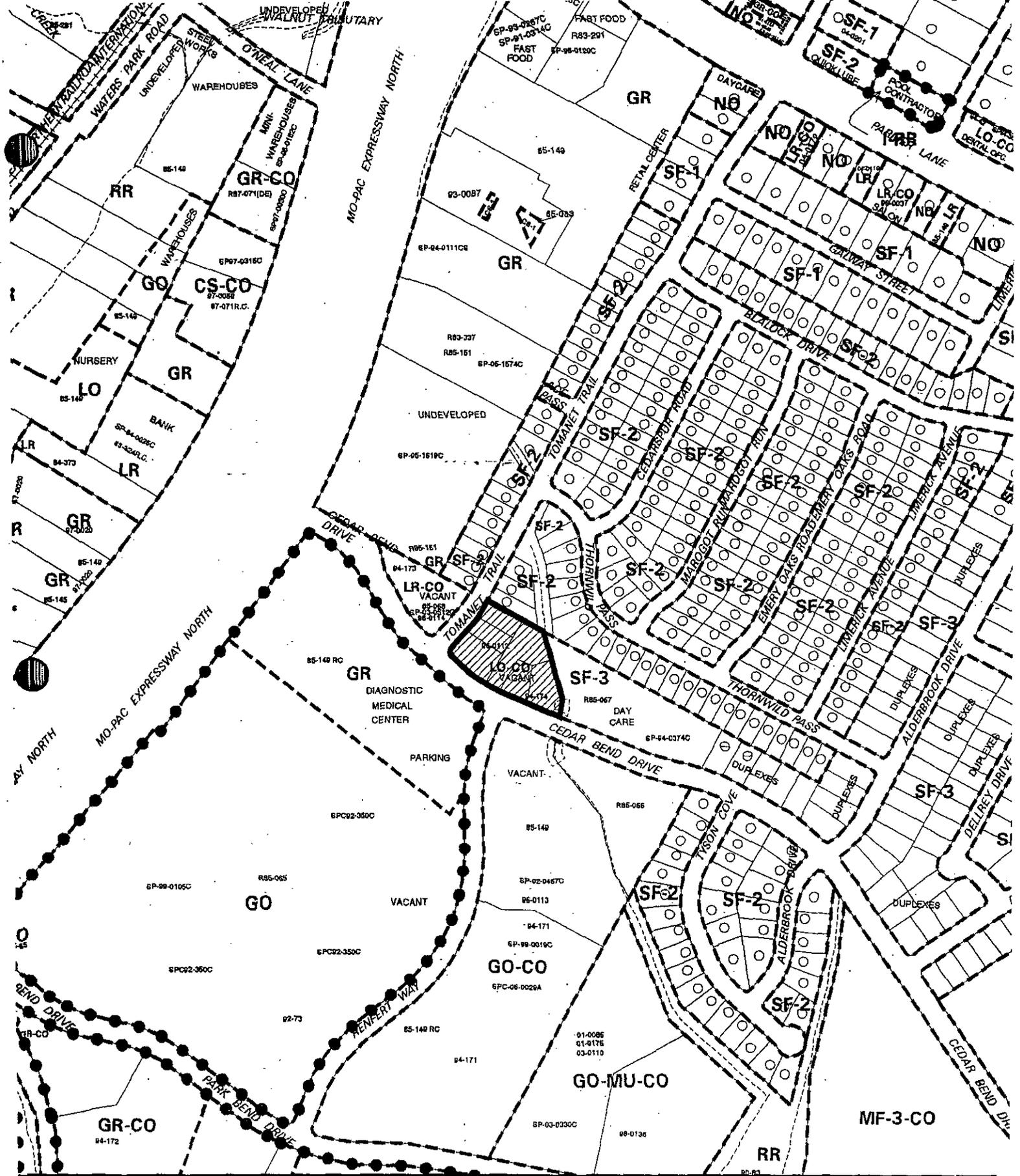
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Cedar Bend Drive	75'	Varies	Collector	No	Yes	Yes
Tomanet Trail	70'	Varies	Neighborhood Collector	No	No	Yes

CITY COUNCIL DATE:

August 10, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us




 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: J.ROUSSELIN

ZONING

CASE #: C14-06-0092
ADDRESS: 12201, 12203 & 12301 TOMANET TRL.; DATE: 06-07
 2312, 2316, 2400, 2402 & 2404 CEDAR BEND DR
SUBJECT AREA (acres): 1.730
INTLS: SM

CITY GRID REFERENCE NUMBER
 L34

STAFF RECOMMENDATION

Staff recommends denial of the rezoning from LO-CO to GO-CO (General office – conditional overlay). The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification and height are incompatible with existing residential uses to the north and east along Cedar Bend Drive and Tomanet Trail;
- 2.) The existing conditions and regulations as set forth by Ordinance No. 951130-E and Ordinance No. 961121-N address site development and land use issues; and
- 3.) A change in conditions to warrant a change of zoning has not been demonstrated.

BASIS FOR RECOMMENDATION

1. Zoning changes should promote compatibility with adjacent and nearby uses.

The requested zoning is not compatible with the established single-family neighborhood to the north. Although subject to compatibility standards, the proposed zoning will infringe on the character of the neighborhood by implementing height standards incompatible with adjacent height limitations along the north side of Cedar Bend Drive.

2. The proposed zoning should promote consistency, and orderly planning.

Properties along the northern portion of Cedar Bend Drive and between Tomanet Trail and Alderbrook Drive, with the exception of the subject property, are zoned for residential uses. The introduction of more-intensive zoning classifications at this location will promote incompatibility between adjacent residential uses.

3. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The current zoning of LO-CO allows for a transition to the established residential neighborhood to the north. Properties located south Cedar Bend Drive are predominantly more intensive in zoning and Cedar Bend serves as the dividing line between the uses. A change in height at this location will disrupt the transition to the less intense residential land uses.

4. No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and development restrictions for the property.

Since the rezonings under Ordinance No. 951130-E and Ordinance No. 961121-N, a change in conditions has not occurred that demonstrate that this area is in transition to other land uses or that the introduction of additional height is justified north of Cedar Bend Drive between Tomanet Trail and Alderbrook Drive.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 1.73 acre site fronting Cedar Bend Drive and Tomanet Trail zoned LO-CO. The site is subject to the restrictions and provisions of Ordinance No. 951130-E and Ordinance No. 961121-N. Furthermore, the site is also subject to the provisions of the restrictive covenant under Document No. 12821-0028 which address the Traffic Impact Analysis (TIA)

provisions. The site is currently undeveloped land with access to Cedar Bend Drive and Tomanet Trail.

Transportation

1. Additional right-of-way may be required at the time of subdivision and/or site plan.
2. The trip generation under the requested zoning is estimated to be 979 trips per day, assuming that the site develops with the uses proposed (27,000sf Medical Office and 3,000sf General Office).
3. The traffic impact analysis for this site was waived because this site is subject to a 1998 restrictive covenant. The proposed development is within the boundaries of the RC.
4. Access to Tomanet Trail should be prohibited.

Environmental and Impervious Cover

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments are required, the landowner, at own expense, will be responsible for providing.
3. Also, the utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

Site Plan and Compatibility Standards

1. No site plan issues at this time.



April 20, 2006

Ms. Emily Barron
 Development Review and Inspection Department
 City of Austin
 505 Barton Springs Road, 4th Floor
 Austin, Texas 78704

Dear Emily:

WHM has completed a Traffic Impact Analysis (TIA) waiver request for Lots 1 through 7 of the proposed ADC Campus development located at the northeast and northwest corners of Renfert Way and Cedar Bend Drive in Austin, Texas.

The proposed development will consist of 27,000 square feet of medical office building and 3,000 square feet of general office building.

Site Traffic

Vehicle trips for the proposed land uses were estimated using the microcomputer program "Trip Generation" by Microtrans Corporation, which is based on recommendations and data contained in the Institute of Transportation Engineers' report Trip Generation, Seventh Edition. The proposed development will generate approximately 98 peak hour trips (PHTs), as shown in Table 1.

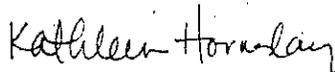
Table 1.
Summary of Unadjusted Daily and Peak Hour Trip Generation

Land Use	Size	24 Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Proposed Land Uses:						
Medical-Dental Office Building	27,000 SF	976	53	14	25	68
General Office Building	3,000 SF	90	10	1	1	4
Total		1,066	63	15	26	72

As stated previously, the proposed project will generate a total of 98 PHTs. The Amendment to Restrictive Covenant for this property, dated December 17, 1998, limits the development to 200,000 square feet of medical office building and/or 666 adjusted PHTs. I am hereby requesting a waiver for the TIA requirement for this project based on the trip generation.

Please feel free to contact Leslie Stengele or me, if you have any questions or need additional information to approve this TIA waiver request.

Sincerely,



Kathleen A. Hornaday, P.E., PTOE
Project Manager

LS

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: LOT 1, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: LOT 5, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 3: LOTS 2, 3, 4, AND 6, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 4: LOT 7, BLOCK D, THE CENTRUM SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 12201-12301 TOMANET TRAIL [ODD NUMBERS ONLY]; AND 2312-2404 CEDAR BEND DRIVE [EVEN NUMBERS ONLY], AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART I. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-94-0174, as follows:

Tract 1: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 1, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

Tract 2: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 5, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

Tract 3: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lots 2, 3, 4, and 6, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.

Tract 4: From "SF-3" Family Residence district to "LO-CO" Limited Office district-Conditional Overlay combining district.

Lot 7, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Pages 115A-115D, of the Plat Records of Travis County, Texas.
[hereinafter referred to as the "Property"]

locally known as 12201-12301 Tomanet Trail [ODD NUMBERS ONLY]; and 2312-2404 Cedar Bend Drive [EVEN NUMBERS ONLY], as more particularly identified in the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Owner shall maintain a landscape buffer 25 feet wide (i) along the northern property line of Tract 1 and Tract 2, and (ii) along the eastern property line of Tract 4.
2. There will be no vehicular access from the Property to Tomanet Trail. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
3. Development of the Property shall conform to the site development regulations authorized for the "NO" Neighborhood Office district as set forth in Sec. 13-2-630 of the Land Development Code of the Austin City Code.
4. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 700 vehicle trips per day.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

November 30, 1995

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Bruce Todd

Bruce Todd
Mayor

APPROVED:

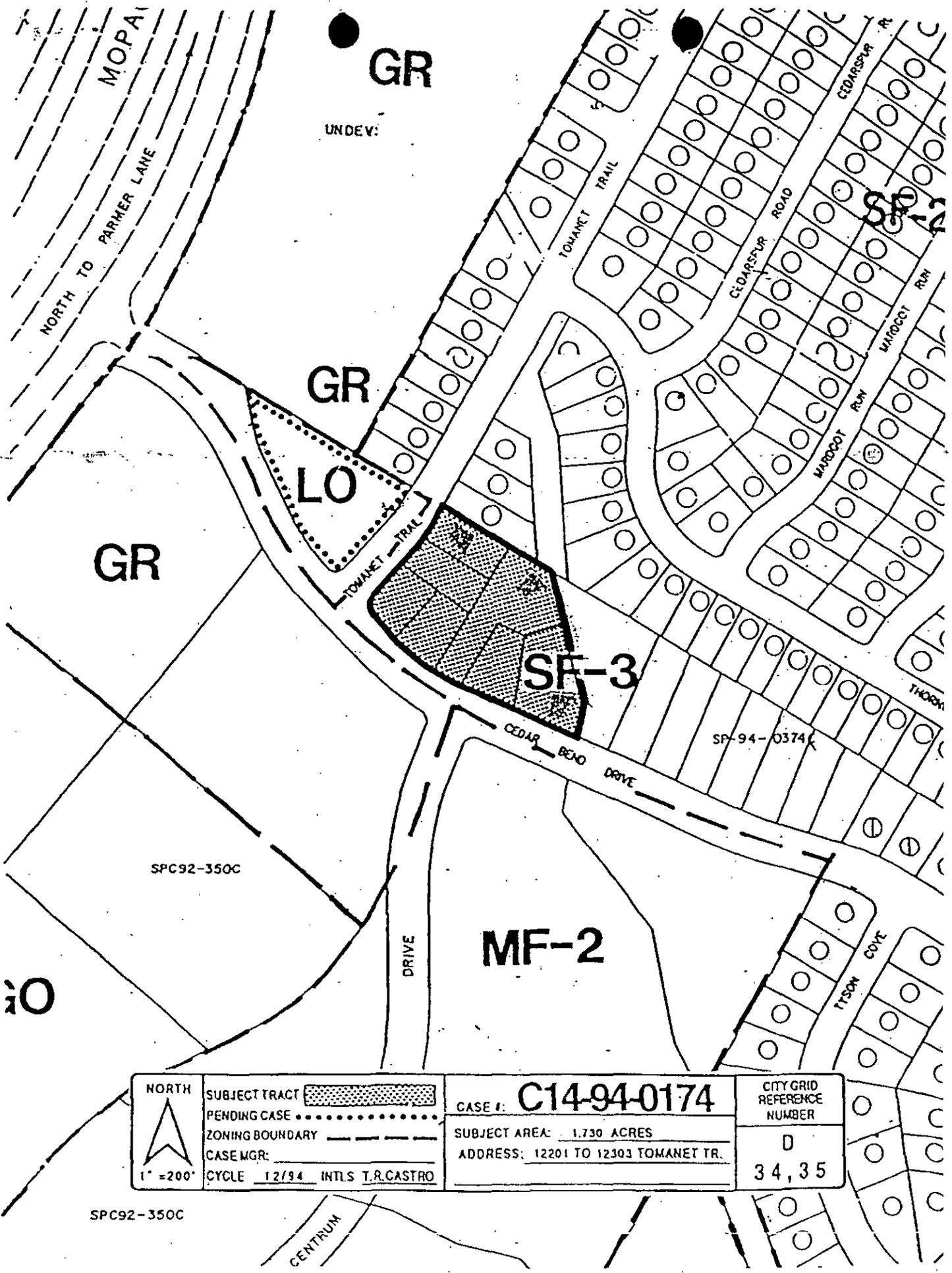
Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk



NORTH 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: _____ CYCLE 12/94 INTLS T.R.CASTRO	CASE #: C14-94-0174 SUBJECT AREA: 1.730 ACRES ADDRESS: 12201 TO 12303 TOMANET TR.	CITY GRID REFERENCE NUMBER D 34, 35
	SPC92-350C		SPC92-350C

"Exhibit A"

ORDINANCE NO. 961121-N

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

LOTS 1-7, BLOCK "D", THE CENTRUM SUBDIVISION, FROM "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 12301 AND 12203 TOMANET TRAIL, 2312, 2316, 2400, 2402 AND 2404 CEDAR BEND DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LO-CO" Limited Office district-Conditional Overlay combining district to "LO-CO" Limited Office district-Conditional Overlay combining district on the property (the "Property") described in File C14-96-0112, as follows:

Lots 1-7, Block "D", The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Page 115A-D, of the Plat Records of Travis County, Texas,

locally known as 12301 and 12203 Tomanet Trail, 2312, 2316, 2400, 2402, and 2404 Cedar Bend Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Owner shall maintain a landscape buffer 25 feet wide (i) along the northern property line of Lots 1 and 5, and (ii) along the eastern property line of Lot 7.

2. There shall be no vehicular access from the Property to Tomanet Trail. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

3. Development of the Property shall conform to the site development regulations authorized for the "NO" Neighborhood Office district as set forth in Sec. 13-2-630 of the Land Development Code .

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the LO base district and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on December 2, 1996.

PASSED AND APPROVED

November 21, 1996.

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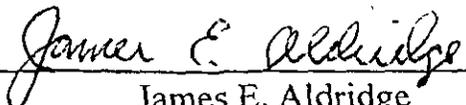
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

MOPAC EXPRESSWAY

R85-151

UNDEVELOPED

CEDAR DRIVE

R85-151

*6
94-173
GR
LR-CO
VACANT
85-068
*3

GR
85-149 RC

DIAGNOSTIC
MEDICAL
CENTER

PARKING

SPC92-350C

*1

R85-065

LO-CO
VACANT

SF-3

R85-067

DAY
CARE

SP-94-0374C

*5
VACANT

R85-066

85-149

*2

GO-CO
EXHIBIT "A"

VACANT

SF

SPC92-350C

 1" = 200'	SUBJECT TRACT 	CASE #: C14-96-0112	CITY GRID REFERENCE NUMBER L34
	PENDING CASE 	SUBJECT AREA (acres): 1.840	
	ZONING-BOUNDARY 	ADDRESS: TOMANET TR. & CEDAR BEND DR.	
	CASE MGR: M. JOHNSON		
	CYCLE: 96-10 INTLS: TRC		

MOPAC EXPRESSWAY

R83-337
R85-151

UNDEVELOPED

SF-2

SF-2

SF-2

SF-2

SF-3

SF-3

R85-151
GR

94-173
LR-CO
VACANT
85-068

SF-3

GR
85-149 RC

TOMANET TRAIL

94-174
LO-CO
VACANT

SF-3

DIAGNOSTIC
MEDICAL
CENTER

R85-067
DAY
CARE

PARKING

CEDAR BEND DRIVE

SP-94-0374C

SPC92-350C

VACANT

R85-066

85-149

GO-CO

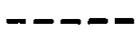
R85-065

VACANT

TRISOM COTE

SF-3

SPC92-350C

 1" = 200'	SUBJECT TRACT		CASE #: C14-96-0112	CITY GRID REFERENCE NUMBER L34
	PENDING CASE			
	ZONING BOUNDARY		ADDRESS: TOMANET TR. & CEDAR BEND DR.	
	CASE MGR: M. JOHNSON			
	CYCLE: 96-10 INTLS: TRC			

130

FILM CODE
00005514372

Zoning Case No. C14-96-0112
C14-96-0113
C14-96-0114

RESTRICTIVE COVENANT

OWNER: THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION,
a Texas professional association

ADDRESS: 12221 Mopac Expressway North, Austin, Texas 78758

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, Block C, and Lots 1-7, Block D, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Page 115A-D, of the Plat Records of Travis County, Texas.

Lot 1, 2 and 3, Block E, Resubdivision of The Centrum Subdivision Block B and Block E, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 91, Page 197, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this restrictive covenant or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated November, 1996, or as amended by the Director of the Department of Review and Inspection. The TIA shall be kept on file at the Department of Review and Inspection.
2. At the request of the Owner of the affected Property, an updated or amended TIA may be approved administratively by the Director of the Department of Review and Inspection.
3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 19th day of November, 1996.

OWNER:

THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION
a Texas Professional Association



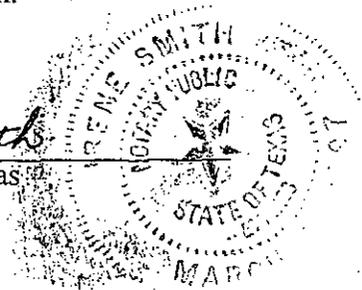
By: Robert W. Spurck
ROBERT SPURCK, Chief Executive Officer

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on this the 19th day of November, 1996, by ROBERT SPURCK, CHIEF EXECUTIVE OFFICER of THE AUSTIN DIAGNOSTIC CLINIC ASSOCIATION, a Texas Professional Association,, on behalf of said association.

Jane Smith
Notary Public, State of Texas



AFTER RECORDING RETURN TO:

City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

MT/dwm

FILED

96 NOV 25 AM 11:52

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me, and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

NOV 25 1996



Dana Debeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECEIPT#: A00053772 TRANS#: A5275 DEPT: REGULAR RECORD \$13.00
CASHIER: BAWON FILE DATE: 11/25/96 TRANS DATE: 11/25/96
PAID BY: CASH, CHECK# 123841235411304 REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12821 0030